

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VERONICA IACOBESCU,

Plaintiff,

File No. 1:08-cv-561

v.

HON. ROBERT HOLMES BELL

SOCIAL SECURITY ADMINISTRATION,

Defendant.

MEMORANDUM OPINION AND ORDER
ADOPTING THE REPORT AND RECOMMENDATION

On November 24, 2008, United States Magistrate Judge Joseph G. Scoville issued a Report and Recommendation (“R&R”), recommending that Plaintiff Veronica Iacobescu’s appeal of the denial of disability benefits be dismissed pursuant to 42 U.S.C. § 405(g), for lack of subject matter jurisdiction. (Dkt. No. 22.) Plaintiff filed objections to the R&R on December 1, 2008. (Dkt. No. 23.) For the reasons that follow, Plaintiff’s objections are denied and the R&R is adopted as the opinion of the Court.

This Court is required to make a *de novo* determination of those portions of a R&R to which specific objections are made, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Plaintiff’s objections generally restate the allegations in her complaint without specifically objecting to any portion of the R&R. Failure to file specific objections to a report and recommendation waives the right to further review. *See Thomas v. Arn*, 474 U.S.

140 (1985) (approving the rule set forth in *United States v. Walters*, 638 F.2d 297 (6th Cir. 1981)); *Spencer v. Bouchard*, 449 F.3d 721, 725 (6th Cir. 2006) (“Overly general objections do not satisfy the objection requirement.”); Fed. R. Civ P. 72(b).

The R&R recommended dismissal of the complaint because the Court lacks jurisdiction; Plaintiff did not exhaust her administrative remedies by seeking review of the denial of benefits in order to obtain a “final decision” of the Commissioner of Social Security. *See* 42 U.S.C. § 402(g) (permitting judicial review of a “final decision” of the Commissioner). Plaintiff claims in her objections that she did not seek review because she apparently expected, but did not receive, the appropriate documentation from her doctor and from the local Michigan Department of Human Services. (Dkt. No. 23, Objs. to R&R 12.) She also believed that “they thought I am not physically dissabled [sic], and sooner or later I’ll return to my work, or to the life I wanted to have.” (*Id.* at 12-13.) However, Plaintiff does not indicate how these asserted reasons cure the Court’s lack of jurisdiction. While the Commissioner might conclude that these reasons constitute good cause for failure to seek timely review, there is no indication that Plaintiff presented these reasons to the Commissioner. *See* 20 C.F.R. § 404.911 (listing factors the Commissioner considers in determining whether the claimant has shown good cause for missing a deadline to request review).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s objections to the Report and

Recommendation of the Magistrate Judge (Dkt. No. 23) are **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Dkt. No. 22) is **APPROVED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff Veronica Iacobescu's complaint is **DISMISSED** for lack of subject matter jurisdiction.

This closes the case.

Date: April 10, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE